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APPLICATION NO.		FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/689,120 10/12/2000		10/12/2000	Martin W. Sotheran	9410041(EP)USC1X1C1C1	7086
22887	7590	10/19/2005		EXAMINER	
		SOCIATES	VO, TUNG T		
		ROPERTY DEVELO T, SUITE 200	PMENT	ART UNIT	PAPER NUMBER
IRVINE, C	A 92614	É		2613	

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
09/689,120	SOTHERAN ET AL.		
Examiner	Art Unit		
Tung Vo	2613		

		Tung Vo	2613					
	The MAILING DATE of this communication appe	ars on the cover sheet with the o	correspondence add	ress				
THE	REPLY FILED <u>05 October 2005</u> FAILS TO PLACE THIS A	APPLICATION IN CONDITION FOR	R ALLOWANCE.					
1. 🛛	The reply was filed after a final rejection, but prior to or on this application, applicant must timely file one of the follow places the application in condition for allowance; (2) a No a Request for Continued Examination (RCE) in compliant time periods:	wing replies: (1) an amendment, aff stice of Appeal (with appeal fee) in t	fidavit, or other evider compliance with 37 C	nce, which FR 41.31; or (3)				
a)		te of the final rejection.						
b)	b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is la no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.							
	Examiner Note: If box 1 is checked, check either box (a) or TWO MONTHS OF THE FINAL REJECTION. See MPEP 7	06.07(f).						
have l under set foi may re	sions of time may be obtained under 37 CFR 1.136(a). The date been filed is the date for purposes of determining the period of ex 37 CFR 1.17(a) is calculated from: (1) the expiration date of the sthin (b) above, if checked. Any reply received by the Office latereduce any earned patent term adjustment. See 37 CFR 1.704(b) CE OF APPEAL	tension and the corresponding amount shortened statutory period for reply orig r than three months after the mailing da	of the fee. The approprinally set in the final Offi	iate extension fee ce action; or (2) as				
2. 🔲	The Notice of Appeal was filed on A brief in comp filing the Notice of Appeal (37 CFR 41.37(a)), or any exte a Notice of Appeal has been filed, any reply must be filed	nsion thereof (37 CFR 41.37(e)), to	avoid dismissal of th					
<u>AMEI</u>	NDMENTS							
3. 🛛	The proposed amendment(s) filed after a final rejection,	but prior to the date of filing a brief	, will <u>not</u> be entered b	ecause				
	(a) They raise new issues that would require further co		TE below);					
	(b) They raise the issue of new matter (see NOTE below	• •		_				
	(c) They are not deemed to place the application in began appeal; and/or	tter form for appeal by materially re	ducing or simplifying	the issues for				
	(d) They present additional claims without canceling a	corresponding number of finally rej	ected claims.					
	NOTE: See Continuation Sheet. (See 37 CFR 1.1							
4. 🔲	The amendments are not in compliance with 37 CFR 1.1	<ol><li>See attached Notice of Non-Co</li></ol>	mpliant Amendment	(PTOL-324).				
5. 🗌	Applicant's reply has overcome the following rejection(s)	:						
	Newly proposed or amended claim(s) would be all non-allowable claim(s).		•	_				
7. 🖾	For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is pro The status of the claim(s) is (or will be) as follows: Claim(s) allowed: 1-4. Claim(s) objected to: Claim(s) rejected: 5-12 and 16-41.		Il be entered and an e	explanation of				
V E E N	Claim(s) withdrawn from consideration:  DAVIT OR OTHER EVIDENCE		•					
	The affidavit or other evidence filed after a final action, bubecause applicant failed to provide a showing of good an was not earlier presented. See 37 CFR 1.116(e).							
9. 🗖	The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to a showing a good and sufficient reasons why it is necessar	overcome <u>all</u> rejections under appe	al and/or appellant fa	ils to provide a				
10. 🛚	The affidavit or other evidence is entered. An explanatio	n of the status of the claims after e	ntry is below or attacl	hed.				
	JEST FOR RECONSIDERATION/OTHER							
11. [	The request for reconsideration has been considered by	t does NOT place the application in	n condition for allowa	nce because:				
	Note the attached Information Disclosure Statement(s).  Other:	(PTO/SB/08 or PTO-1449) Paper N	No(s)					
_	- <del></del>		Lunu (					
			Tung Vo					
			Primary Examiner Art Unit: 2613					

U.S. Patent and Trademark Office PTOL-303 (Rev. 7-05)

## **Continuation Sheet (PTO-303)**

Continuation of 3. NOTE: The newly added limitations in claim 5, lines 5-6, 8-9, 11-15; claim 16, lines 5-6, 8-10, 13-17; claim 20, lines 5-8, 10, 14-17; claim 26, lines 4-5, 8-10; claim 29, lines 2-3, 7-9, 12-14. Furthermore, in the remarks filed 06/14/2005, I. DOUBLE PATENTING REJECTION, in response to nonsatutory double patenting rejection dated 03/23/2005, the applicant files a terminal disclaimer with respect to claims 1-4; however a terminal disclaimer with respect to claims 1-4 has not been filed. Claims 1-4 are in condition for allowance when a terminal disclaimer is filed.